

Amending Legislative Code Chapter 61 pertaining to Zoning Fees.

STATEMENT OF FINDINGS BY THE COUNCIL:

WHEREAS, Zoning Code Section 61.302, *Application forms and fees*, prescribes fees to defray the costs of zoning permits and approvals pursuant to MN Stat. §§ 462.351-364, which require fees to be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed; require zoning fees to be prescribed by ordinance; and require Planning Commission review and recommendation for Zoning Code amendments; and

WHEREAS, it has been over five years since fees for zoning applications were reviewed by the Zoning Committee of the Planning Commission in 2010 and the Planning Commission recommended amendments to Zoning Code Section 61.302 to increase fees to more fully cover the cost of processing the applications, amendments that were adopted by the City Council in January 2011; and

WHEREAS, the Department of Safety and Inspections (DSI) has proposed a 3% increase in all DSI permit and license fees as part of their 2016 budget, and has proposed an additional increase in fees for site plan and design review for one- and two- family dwellings to more fully cover the cost of this; and

WHEREAS, the costs to the City of various types of zoning reviews and applications, the inflation of these costs since the fees were last increased, and draft amendments to Zoning Code Section 61.302, *Application forms and fees*, to reflect these costs were reviewed by the Zoning Committee of the Planning Commission on November 24, 2015; and

WHEREAS, the full Planning Commission considered the recommendations of the Zoning Committee on December 4, 2015, and made its recommendations on amendments to Zoning Code Section 61.302, *Application forms and fees*, in Resolution 15-78 and forwarded them to the City Council; and

WHEREAS, the City Council has accepted the study, review and recommendations of the Planning Commission as the basis for this ordinance and incorporates it herein by reference; and

WHEREAS, a public hearing before the City Council having been conducted on January 20, 2016, at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the amendments; NOW, THEREFORE

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Section 61.302 of the Saint Paul Legislative Code is hereby amended as follows:

**Sec. 61.302. Application forms and fees.**

- (a) *Application forms and fee.* All applications shall be filed on appropriate forms. Pursuant to Minn. Stat. § 462.353, subd. 4, a fee to defray the costs incurred in administering official zoning controls established pursuant to Minn. Stat. § 462.351-364, as set forth in the schedule below, shall be paid by the applicant when a zoning application is filed. The fee for applications filed with the planning administrator shall be paid to the department of planning and economic development. The fee for applications filed with the zoning administrator shall be paid to the department of safety and inspections. Zoning control application fees shall be amended by ordinance.

(b) *Fee schedule.* Fees for the following zoning control applications shall be as follows:

(1) *Site plan review:*

- a. ~~Two~~ Three hundred fifty dollars (\$~~200~~350.00) residential, one (1) to two (2) dwelling units. Three hundred twenty-five dollars (\$325.00) for additions to one- and two-family dwellings.
- b. Five hundred fifteen dollars (\$~~500~~515.00) up to ten thousand (10,000) square feet of land and two hundred six dollars (\$~~200~~206.00) for each additional ten thousand (10,000) square feet of land for all other uses, and an additional fee of two hundred sixty eight dollars (\$~~260~~268.00) for sites on steep slopes or in the river corridor or tree preservation overlay districts. For any site plan for which a travel demand management plan is required, there is an additional fee of four hundred fifty sixty-four dollars (\$~~450~~464.00).
- c. In addition to the site plan review fee, three hundred nine dollars (\$~~300~~309.00) for site plans that are reviewed before the planning commission.
- d. Thirty-one dollars (\$~~30~~31.00) for agricultural uses required by section 65.771(a) and farmer's markets required by section 65.515(b).

~~(2)~~ *Design review:*

- a. ~~Forty-five dollars (\$45.00) for new single family dwellings and duplexes.~~
- b. ~~Thirty dollars (\$30.00) for additions to single family dwellings and duplexes.~~

~~(23)~~ *Conditional use permit:* Eight hundred dollars (\$800.00) up to one (1) acre of land, two hundred dollars (\$200.00) for each additional acre of land, and an additional fee of one hundred eighty (\$180.00) for a river corridor conditional use permit.

~~(3)~~~~(4)~~ *Major variance:*

- a. Five hundred ~~twenty~~ thirty-six dollars (\$~~520~~536.00) one- and two-family residential and signs.
- b. Five hundred ~~sixty~~ seventy-seven dollars (\$~~560~~577.00) multiple-family residential.
- c. Eight hundred ~~fifteen~~ thirty-nine dollars (\$~~815~~839.00) commercial, industrial, institutional.

~~(45)~~ *Minor variance:* Four hundred ~~twenty~~ thirty-three dollars (\$~~420~~433.00).

~~(56)~~ *Nonconforming use permit, determination of similar use:* Seven hundred dollars (\$700.00).

~~(67)~~ *Appeals:*

- a. Five hundred ~~twenty~~ thirty-six dollars (\$~~520~~536.00) for appeals from administrative decisions to the board of zoning appeals or planning commission.
- b. Four hundred ~~forty~~ fifty-three dollars (\$~~440~~453.00) for appeals from decisions of the board of zoning appeals or planning commission to the city council.

~~(78)~~ *Rezoning:* One thousand two hundred dollars (\$1,200.00) up to one (1) acre of land, two hundred fifty dollars (\$250.00) for each additional acre of land, and an additional fee of five hundred dollars (\$500.00) for rezoning to TN3(M) Traditional Neighborhood District with a master plan and an additional fee of one thousand dollars (\$1,000.00) for rezoning to PD Planned Development District.

~~(89)~~ *Reduced fees for multiple approvals:* For any permit or variance application in subparagraph (2) through ~~(76)~~ above submitted for consideration by the planning commission at the same public hearing as a rezoning, or a permit or variance application in subparagraph (2) through

(~~76~~) with a higher fee, an additional fee of three hundred dollars (\$300.00) shall be added to the rezoning fee set forth in subparagraph (~~87~~) or to the higher fee in subparagraph (2) through (~~76~~).

(~~910~~) *Subdivision review:*

- a. Three hundred dollars (\$300.00) lot split.
- b. Six hundred dollars (\$600.00) up to one (1) acre of land, and one hundred twenty-five dollars (\$125.00) for each additional acre of land, sans dedicated public streets and open space, for preliminary plat/registered land survey.
- c. Two hundred twenty-five dollars (\$225.00) final plat/registered land survey.
- d. Five hundred twenty dollars (\$520.00) for variance of subdivision regulations to be considered by the city council.

(~~101~~) *Planning commission shared parking permit:* Three hundred fifty dollars (\$350.00).

(~~112~~) *City council interim use permit:* Seven hundred dollars (\$700.00)

(~~123~~) *Zoning compliance letter, research:*

- a. One hundred ~~three~~ dollars (~~\$100~~103.00) one- and two-family residential.
- b. Two hundred thirty ~~-seven~~ dollars (~~\$230~~237.00) all other uses.
- c. One hundred ~~three~~ dollars (~~\$100~~103.00) additional for an expedited request.

(~~1314~~) *Administrative staff reviews:*

- a. Three hundred ~~thirty-five~~ ~~sixty-six~~ dollars (~~\$355~~366.00) for review of request for reasonable accommodation.
- b. Three hundred ~~seventy-five~~ ~~eight-six~~ dollars (~~\$375~~386.00) for review of statement of clarification.
- c. Two hundred ~~fifteen~~ ~~twenty-one~~ dollars (~~\$215~~221.00) for review of shared parking permit.
- d. ~~Eighty-five~~ ~~Eighty-eight~~ dollars (~~\$85~~88.00) for review of demolition permit.
- e. One hundred ~~five~~ ~~eight~~ dollars (~~\$105~~108.00) for review of antenna permit.
- f. One hundred ~~fifteen~~ ~~eighteen~~ (~~\$115~~118.00) for a flood plain permit.
- g. ~~Seven hundred dollars (\$700.00) for a historic use variance.~~

(14) *Historic use variance:* Seven hundred dollars (\$700.00).

(15) *SFV state fair vending permit:* Annual fee of one hundred twenty~~-four~~ dollars (~~\$120~~124.00) per parcel on which vending will occur.

(16) *Wetland Conservation Act administrative determination:*

- a. One hundred ~~twenty-five~~ ~~twenty-nine~~ dollars (~~\$125~~129.00) for Wetland Conservation Act exemption or no loss compliance letter.
- b. Wetland delineation review:
  1. One hundred ~~sixty-five~~ dollars (~~\$160~~165.00) for sites less than 1 acre.
  2. Three hundred ~~twenty~~ ~~thirty~~ dollars (~~\$320~~330.00) for sites 1 acre or larger.
- c. Four hundred ~~sixty~~ ~~seventy-four~~ dollars (~~\$460~~474.00) for wetland fill and replacement/sequencing plan review.
- d. ~~Four hundred ninety dollars (\$490.00) for appeals to the city council from decisions of the zoning administrator on wetland exemption or no loss determinations.~~

(17) *Environmental review:* Actual cost of review processes as determined by the planning director.

(187) *Late fee:* For any application made for any development commenced without first obtaining all required permits and approvals, the fees listed above shall be doubled, to a maximum additional fee of one thousand dollars (\$1,000.00), to offset costs associated with investigating, processing and reviewing applications for such development.

(198) *Refunds:* For a zoning case withdrawn before final approval, the zoning or planning administrator may refund part of the fee based upon the proportion of the work completed at the time of withdrawal.

(2019) *Large sites:* For large sites where only a portion of the site is affected by the zoning action, the zoning or planning administrator may set the fee based on the size of the affected portion of the site.

~~(20) *Environmental review:* Actual cost of review processes as determined by the planning director.~~

(c) *Fee for permits and approvals subject to annual review condition.* A holder of a conditional use permit, nonconforming use permit or variance, which the planning commission, board of zoning appeals or city council, has approved subject to annual review, shall pay to the department of safety and inspections, at the time the zoning administrator provides notice of the annual review to the permit holder, an annual review fee in the sum of sixty-two dollars (\$62.00).

## SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.